

HIGH COURT OF UTTARNCHAL AT NAINITAL

Writ Petition No. 1969 (S/S) of 2005

Imran Ali S/o Abdul Gaffur,
R/o Village Jassodupur,
Post Sultanpur
Block Bhadrabad,
Tehsil and District Haridwar.

....Petitioner

Vs

1. State of Uttaranchal through its Secretary a
Basic Education, Subhash Road Dehradun
District- Dehradun.
2. Director Sarva Shiksha Dehradun,
District- Dehradun.
3. Basic Shiksha Adhikari Haridwar,
District- Haridwar.

....Respondents

With

Writ Petition No. 1888 (S/S) of 2005

Santosh Kumari
W/o Virendra Kumar
R/o Village and Shah Pur Sheela Khera
Tehsil and District- Haridwar.

..... Petitioner

Vs

1. State of Uttaranchal through its Secretary
Basic Education, Subhash Road, Dehradun
District-Dehradun.
2. Director Sarva Shiksha Dehradun, District- Dehradun.
District- Haridwar.
3. Basic Shiksha Adhikari Haridwar,
District Haridwar.

..... Respondents

Sri Parikshit Saini learned counsel for the petitioner.
Sri Paresh Tripathi learned Standing counsel.

Dated: - 22-12-2005

Hon'ble Rajesh Tandon, J.

Heard Sri Parikshit Saini learned counsel for the petitioner and Sri
Paresh Tripathi learned standing counsel for the respondents.

By the present writ petition the petitioner has prayed for a writ of mandamus commanding the respondents to give appointment or give preference to the petitioner in the appointment under “Shiksha Mitra Scheme” in the primary school at Village Jassodpur at Block Bhadrabad or in any other primary school of block Bhadrabad.

Briefly stated according to the case of the petitioner permanent resident of Village Jassodupur and the petitioner is Domile of State of Uttaranchal, Block Bhadrabad, Tehsil and District- Haridwar and duly passed her Higher Secondary Examination in the year 1996, Intermediate in the year 2000 and Graduation in the year 2003 and Shiksha Visharad in the year 2003. The petitioner belongs to the other backward class in the year 1975 the then U.P. Government created a scheme named ‘Anopcharik Shiksha’. According to which instructor ‘Anudeshik’ will be appointed for every village Gram Sabha for giving basic education to those students of Rural Areas who cannot go to school for receiving Primary Education. The petitioner was appointed as ‘Anudeshik’ on 25-6-1998 for the center at Village Jassodpur Block Bhadrabad District- Haridwar by the respondent No.3 who was, the project Director for Haridwar District. After the creation of State of Uttaranchal, the State of Uttaranchal abolished the ‘Anopcharik Shiksha’ and created a new scheme in the name of Sarva Shiksha Abhiyan thereafter the State of Uttaranchal issued a scheme known ‘Shiksha Mitra’ in 2001, which was amended in 2004 and 2005. According to this scheme such candidates who possessed B.A. Degree and are the domicile of the State of Uttaranchal and also are residing in that Gram Sabha or Gram Panchayat or the Block will be given appointment under the said scheme. In the month of August 2005, the respondent No.2 published the advertisement in the newspaper for the appointment of Shiksha Mitra in District Haridwar. In pursuance of the advertisement published, the petitioner applied for the same on 22-8-2005 but the petitioner has not been considered. In a similar controversy, following direction has been given:-

“याचीगण के विद्वान अधिवक्ता ने तर्क दिया है कि याचिकाकर्ताओं ने विगत 10 वर्षों से भी अधिक समय तक अनुदेशक / अनुदेशिका के पद पर कार्य किया है और वे शैक्षणिक सत्र 2001 तक कार्य कर चुके हैं। वर्ष 2001 में उत्तरांचल शासन द्वारा अनौपचारिक शिक्षा के स्थान पर सर्वशिक्षा अभियान के अंतर्गत 6 से 14 वर्ष के बच्चों को शिक्षित करने हेतु अप्रशिक्षित शिक्षा मित्रों की सेवायें ली हैं परन्तु शासन ने पूर्व से ही

कार्यरत अनुदेशकों को वंचित किया है जिन्हें कि विगत 10 वर्षों से भी अधिक शिक्षण कार्य का अनुभव है।

उक्त परिस्थितियों में यह न्यायोचित एवं समीचीन होगा कि याचीगण अपनी विगत सेवा संबंधी परिस्थितियों को इंगित करते हुये निदेशक, बेसिक शिक्षा उत्तरांचल शासन, देहरादून को अपना संयुक्त प्रत्यावेदन (इस निर्णय की सत्यापित प्रतिलिपि सहित) आज की तिथि से 15 दिन के अंतर्गत प्रस्तुत करेंगे और निदेशक से यह अपेक्षा की जाती है कि उक्त प्रत्यावेदन प्राप्त होने के एक माह के भीतर, इस तथ्य को दृष्टिगत रखते हुये कि याचीगण जो कि पूर्व से ही प्रशिक्षित है और जिन्होंने लम्बी अवधि तक अनुदेशकों को पदों पद कार्य किया है, याचीगण के प्रत्यावेदन पत्र पर सहानुभूतिपूर्वक विचार करते हुये प्रत्यावेदन का निस्तारण करेंगे और शासन द्वारा अनौपचारिक शिक्षा के स्थान पर सर्वशिक्षा अभियान के अंतर्गत 6 से 14 वर्ष के बच्चों को शिक्षित करने हेतु अप्रशिक्षित शिक्षा मित्रों के अधीन याचीगण के अभ्यर्थन पर विचार करेंगे और लिये गये निर्णय से याचीगण को सूचित करेंगे।

याचिका उक्त निदेश के साथ अंतिम रूप से निस्तारित की जाती है। अभ्यपक्ष अपना—अपना व्यय स्वयं वहन करेंगे।”

Both the parties have submitted that the controversy raised by means of this writ petition has already been settled by this court vide judgment and order dated 14th September 2005 passed in writ petition No. 1678 (S/S) of 2003 Km. Seema Chamola and three others Vs. State of U.P and two others, and the present writ petition may be decided on the same terms and observations made in the aforesaid judgment. The representation filed by the petitioner in both the writ petitions shall be disposed of in term of the W.P. No. 1678(S/S) of 2003.

Keeping in view, the above statement, writ petitions are finally disposed of on the same terms and conditions of the order passed by this court on 14th September 2005 in writ petition no. 1678(SS) of 2003 Km. Seema Chamola and three others Vs. State of U.P. and two others.

(Rajesh Tandon, J.)

Dated:- 22-12-2005

M.K.